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C O N F I D E N T I A L TASHKENT 000299

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TAGS: [PHUM](#) [KIRF](#) [PGOV](#) [PREL](#) [UZ](#)  
SUBJECT: BUKHARA COURT CONVICTS 13 INDIVIDUALS OF RELIGIOUS  
EXTREMISM

REF: A. TASHKENT 144  
[1](#)B. TASHKENT 165  
[1](#)C. 07 TASHKENT 2153

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

[1](#)1. (C) Summary: On March 6, poloff met with Saidazam Askarov, the brother of Salihiddin Askarov, who was convicted along with 12 other defendants of being members of a religious extremist cell by a Bukhara court in late February and sentenced to between 16 and 20 years' imprisonment each. According to Saidazam, his brother was arrested in September 2007 and held incommunicado for three months, during which time he signed a written confession and investigators threatened his family. Saidazam insisted that his brother did not have any links to religious extremism. Saidazam was not allowed to witness the court proceedings, but his lawyer relayed what had occurred to him. The conviction of the 13 individuals in Bukhara strongly suggests that the government is continuing to sentence individuals for alleged involvement in religious extremism based on scanty evidence and coerced testimony. As we have repeatedly stated, judging the guilt or innocence of individual defendants under such circumstances is extremely difficult. The Uzbek government clearly has a long way to go before its practices match up with its fine sounding old and new legislation (septel). End summary.

[1](#)2. (C) On March 6, poloff met with Saidazam Askarov, the brother of Salihiddin Askarov, who was convicted along with 12 other defendants of being members of a religious extremist cell by a Bukhara court in late February. Askarov stated that his brother was sentenced to 16 years' imprisonment, while the remaining defendants each received between 16 and 20 years' imprisonment. Saidazam said that his brother and the other defendants would appeal their conviction, though he doubted it would be successful. He also provided poloff with a copy of a complaint letter that he submitted to the General Procurator of Uzbekistan regarding the case.

[1](#)3. (C) According to Saidazam, his brother did not know the other defendants well. He added that a fourteenth defendant was released without charges before the case was brought to

court. When poloff asked why the fourteenth defendant was released, Saidazam said that he heard that the individual had hired "a really good lawyer" (Comment: One possibility, by no means certain, is that the defendant might have found a way to bribe himself out of trouble. End comment.)

¶4. (C) Askarov was referred to poloff by Human Rights Alliance member Elena Uralyeva, who monitored the case along with another Alliance member, Abdillo Tojiboy ugli. On January 30, the two activists were detained by police in Bukhara for eight hours after they picketed in front of the Bukhara Province Criminal Court, where the case was tried (ref A). On February 5, Uralyeva was reportedly attacked by five unknown women at Tashkent's train station as she was attempting to board a train to Bukhara to continue her monitoring of the trial. Uralyeva was not seriously injured in the attack and was able to continue on to Bukhara (ref B).

On March 5, Tojiboy ugli also told poloff that the 13 defendants had been convicted and received long prison sentences. Poloff was separately provided the same information on March 5 by Rusliddin Khamilov, a human rights lawyer who represented several of the defendants in the trial, including Salihiddin Askarov. Khamilov is also defending dissident poet Yusuf Jumaev, who has been charged with resisting arrest and insulting the dignity of the President and remains in pre-trial detention in Bukhara. Khamilov reported what he perceived to be a death threat from prison guards after visiting Jumaev in prison (septel).

ALL DEFENDANTS FROM KASHKADARYA, BUT CASE HELD IN BUKHARA  
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¶5. (C) The trial was held in Bukhara, even though all of the defendants were from the town of Shakhrisabz, located in

Kashkadarya province. Saidazam noted that the lead Ministry of Interior investigator in the case, M. Halimov, is himself from Bukhara province and might have wanted to hold the trial there, so as to minimize any potential backlash in Shakhrisabz itself. He further speculated that authorities might have decided to hold the trial in Bukhara to make it more difficult for family members to attend the trial (Comment: In previous years, authorities have arranged for such trials to be moved to other towns to minimize the chances of a public backlash and to make it harder for family members and other observers to attend. End comment.) Despite the several hundred kilometers' distance between the two cities, several family members traveled to Bukhara to observe the trial. However, Saidazam said that only one or two family members were admitted each day to the courtroom, even though the trial was ostensibly open. Saidazam himself was never granted access to the courtroom despite repeated attempts. Khamilov later reported to him what had occurred at the trial.

BROTHER HELD INCOMMUNICADO FOR THREE MONTHS  
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¶6. (C) Saidazam's brother Salihiddin was originally telephoned about the case by unknown law enforcement officers in September 2007, while he was in Tashkent visiting family members, including Saidazam, who resides in the capital. Saidazam said that his brother appeared unconcerned and agreed to return to Shakhrisabz to answer their questions. After Salihiddin left Tashkent, his family did not have any contact with him for the next three months until the trial began in Bukhara. During this time, Khamilov was also denied access to Salihiddin and the other defendants.

BROTHER REPORTEDLY CONFESSES AFTER THREAT; WITNESSES ALSO ALLEGEDLY COERCED  
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¶7. (C) According to Saidazam, his brother signed a written confession that he was a member of a religious extremist cell with the other defendants, but only after investigators made direct threats against his family. Saidazam said that his brother's neighbors were also similarly coerced into signing

testimony against him. Khamilov told Saidazam that during the trial itself, his brother and the neighbors recanted their testimony, stating that it had been made under duress. However, the court reportedly ignored their complaints.

¶18. (C) Saidazam insisted that his brother did not have any links to religious extremism, but was an ordinary pious Muslim who might have been singled out because he regularly attended prayers at a local Mosque. He further denied that Hizb ut-Tahrir and other religious extremist groups were present in Shakhrisabz in any significant numbers, arguing that they were more firmly established in other regions, such as Tashkent. Khamilov told Saidazam that during the trial, the fact that his brother had regularly prayed at the Mosque had been cited as evidence that he was in fact a religious extremist. According to Khamilov, the prosecution failed to provide any actual proof tying the defendants to religious extremism.

¶19. (C) When poloff asked why Saidazam might have been targeted by Halimov and other investigators, Saidazam speculated that local law enforcement officials in the provinces are under heavy pressure from their supervisors in Tashkent to make arrests for religious extremism and other crimes. He believed that authorities were forced to fabricate a case against the 13 individuals since they could not find and convict any actual religious extremists, especially given that, in Saidazam's opinion, religious extremist groups are not widely active in Shakhrisabz.

#### SAIDAZAM JOINS HUMAN RIGHTS ALLIANCE PICKET IN TASHKENT

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¶10. (C) Prior to meeting with poloff on March 6, Saidazam participated in a public protest organized by the Human Rights Alliance in front of the General Prosecutor's Office in Tashkent. The Human Rights Alliance has been holding the protests every Thursday at the same location since December 2007. The protests are usually attended by the same group of seven to ten Alliance activists. During the protest on March 6, Saidazam said he was approached by four law enforcement officers who demanded to know his name and other personal information, which he provided them. He was also extensively photographed. Saidazam was fearful that he would suffer consequences due to his participation in the picket, but at the same time he believed that his participation was one of the only ways that greater pressure could be brought to bear on the government in the case. He added that other relatives of the convicted were interested in joining the protest, but were fearful of the repercussions. For his part, Saidazam said that he would continue to protest each week, and believed that his example could encourage other family members to take part. Poloff observed one of the weekly protests in December and had noticed that the protestors were greatly outnumbered by law enforcement officials, who were carefully observing and photographing them (ref C).

#### ACTIVISTS NOT THREATENED WITH DEATH AFTER PREVIOUS PICKET

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¶11. (C) On March 5, the independent Uznews.net website reported that activists from the Alliance were "showered with threats, including death threats," by law enforcement officials during their weekly picket on February 28. On March 5, poloff talked with Alliance members Akhtam Shaymardanov and Tojiboy ugli, who were at the protest that day and denied that authorities had threatened their lives. Instead, they said that the police informed them that they could be charged with an administrative offence for holding a public rally without permission from the city administration. According to their interpretation of Uzbek law, Shaymardanov and Tojiboy ugli believe permission is only needed for protests of over 100 persons (only ten activists attended the picket on February 28). To our knowledge, this is the first time law enforcement officials have intervened in the protests in some manner.

COMMENT

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¶12. (C) The conviction of the 13 individuals in Bukhara suggests that the government is continuing to sentence individuals suspected of religious extremism to long prison terms based on scanty evidence and coerced testimony. It is difficult for us to verify whether the defendants were or were not members of religious extremist organizations such as Hizb ut-Tahrir. The treatment of the human rights activists involved in the case also highlights the government's potential sensitivity about the case. Our main concern in such religious extremism cases has long been that defendants are not provided due process of law. We will continue to press this point in our discussions with Uzbek officials, building on improved contacts with senior government law enforcement officials that resulted from the March 5 - 6 international human rights conference we co-sponsored in Tashkent (septel).

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